IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.6781 of 2008
NAWAL KISHORE PASWAN & ANR
Versus
STATE OF BIHAR
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6. 24.07.08. Heard learned counsel for the petitioner Mr. Jay Prakash, learned counsel for Opposite Party No.2 and A.P.P. for the State.

The petitioner apprehends his arrest in connection with Muffasil P.S. Case No. 168/2007, registered under Sections 147, 149, 323, 448, 307, 380, 427, 325, 109 and 504 of the Indian Penal Code and 27 of the Arms Act.

It is submitted on behalf of the petitioner that on perusal of the allegation made in the First Information Report, it would appear that the allegation against this petitioner is of firing by pistol upon Sanjeet Paswan. However, admittedly, he did not hit any one. It is further submitted that the allegation of taking away the box containing valuable articles is concerned, however, during the investigation no recovery has been made from the possession of the petitioner as such he may be allowed anticipatory bail. It is further submitted that the present case has been lodged in retaliation of the earlier case lodged by the wife of Petitioner No.1 against the informant of this case.

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Learned counsel appearing on behalf of the informant, on the other hand, submitted that specific allegation against this petitioner is of firing by the pistol with intention to kill Sanjeet Paswan but he missed the target and could not hit. It is further submitted that specific allegation against the petitioner is of taking away the box containing valuable articles, so he is not entitled to bail.

Learned A.P.P. on perusal of the Case Diary, submits that the petitioner has fired, however did not hit any one. As regards taking away the box containing with valuable articles, recovery could not be made from the possession of the petitioner.

Considering the above submissions and on perusal of the allegation made in F.I.R. as well as materials brought on the record, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioner, namely, Kailu Paswan, shall be released on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Munger, in connection with Muffasil P.S. Case No. 168/07, subject to the conditions as laid down under Sub Section 2 of Section 438 of Code of Criminal Procedure.

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M. Pal. **(Shailesh Kumar Sinha, J)**